



APPLICATION ACCEPTED: December 18, 2013  
BOARD OF ZONING APPEALS: March 12, 2014  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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March 5, 2014

### STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2013-HM-108**

### HUNTER MILL DISTRICT

**APPLICANT:** Gary Boss

**OWNERS:** Gary R. Boss  
Carol A. Boss

**SUBDIVISION:** Tamarack, Section 2

**STREET ADDRESS:** 1844 Horseback Trail, Vienna, 22182

**TAX MAP REFERENCE:** 27-2 ((04)) 32

**LOT SIZE:** 20,000 square feet

**ZONING DISTRICT:** R-1, Cluster

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 9.9 ft. from side lot line such that side yards total 33.5 ft.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-HM-108 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\rhorne\Special Permits\Boss (50%)\Boss report (50%).docx

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



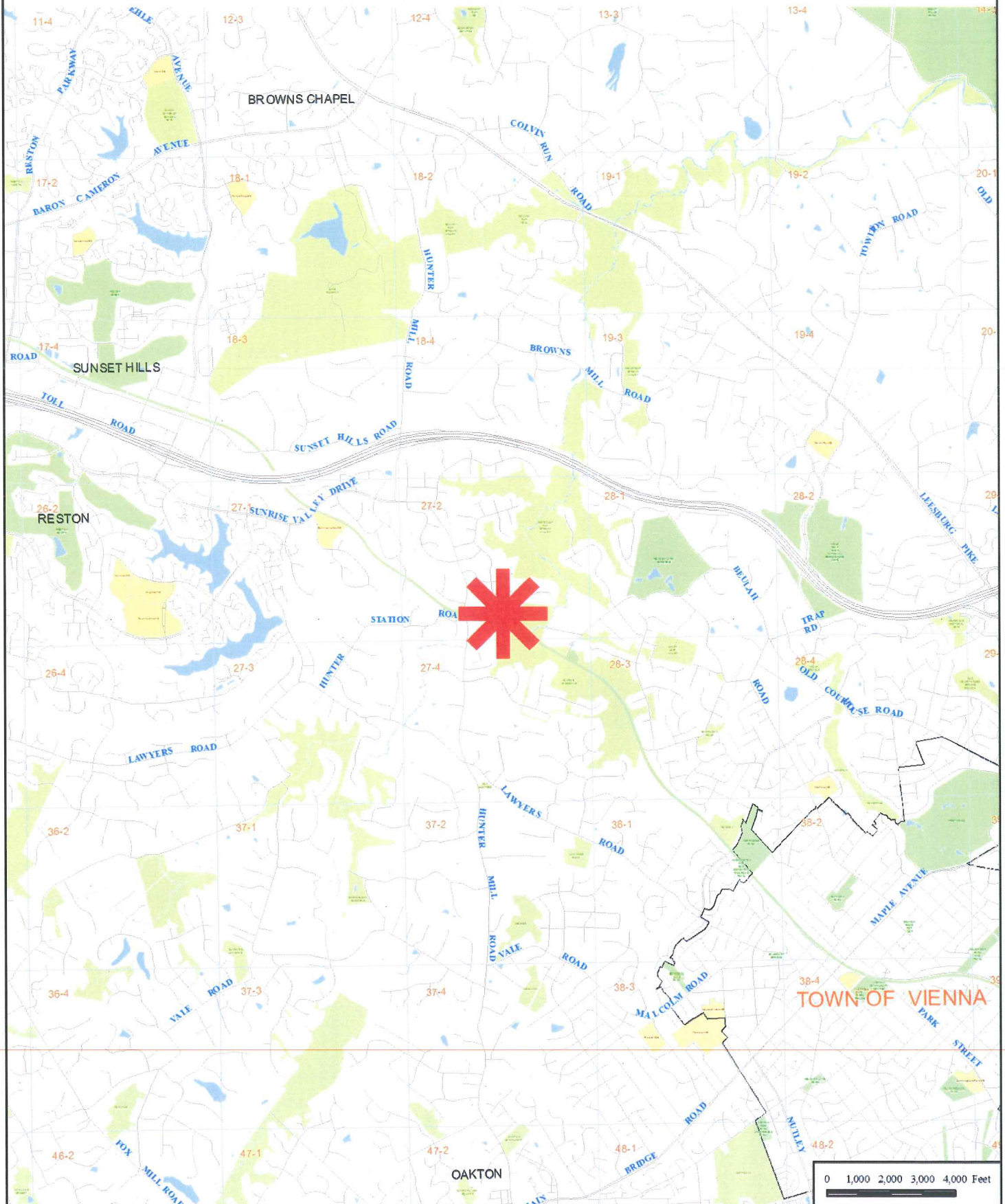
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# Special Permit

SP 2013-HM-108

GARY R. BOSS

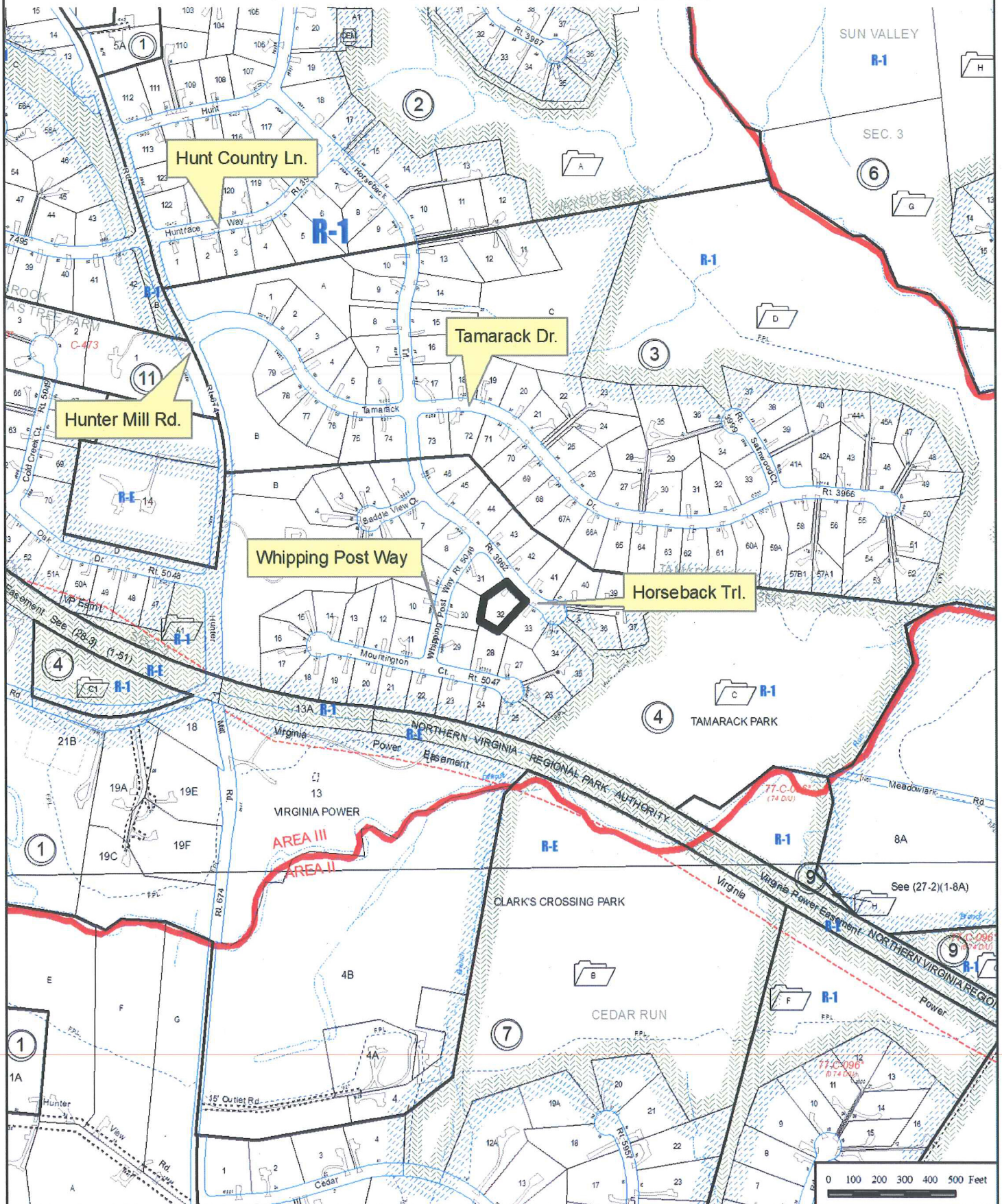




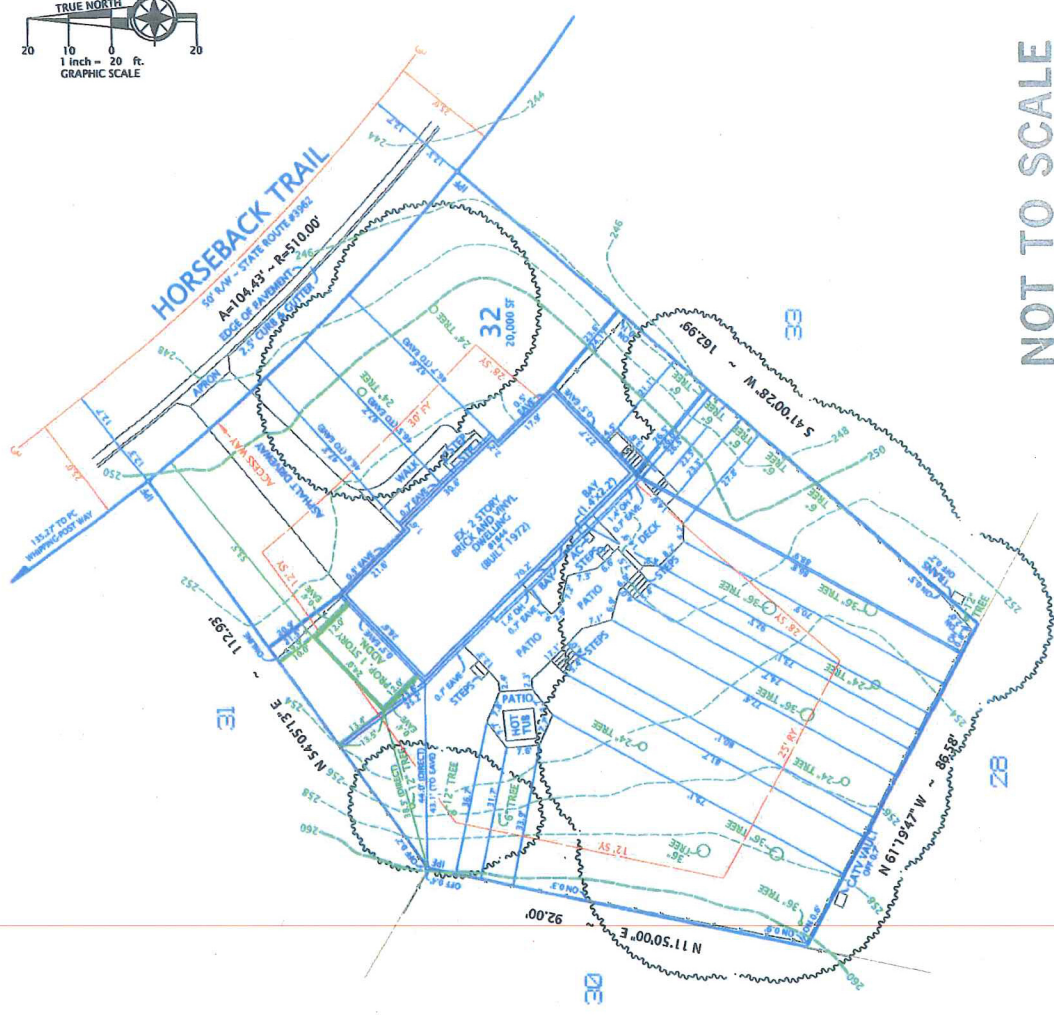
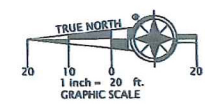
# Special Permit

SP 2013-HM-108

GARY R. BOSS







NOT TO SCALE

NOTES:

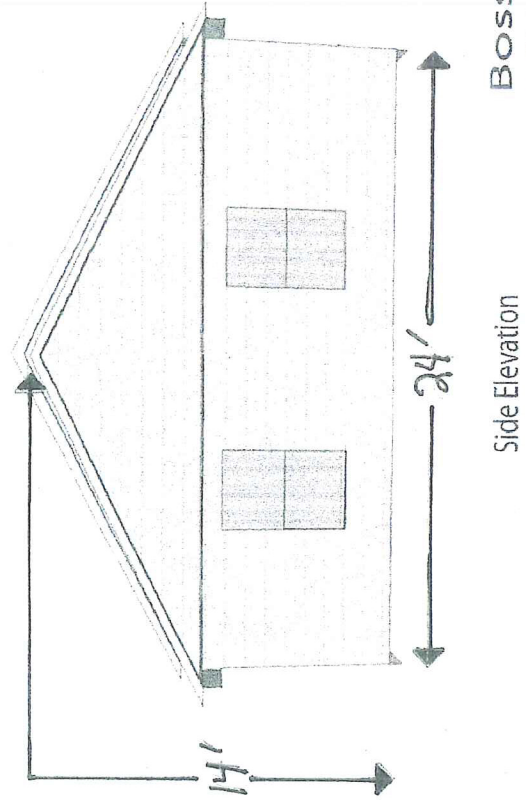
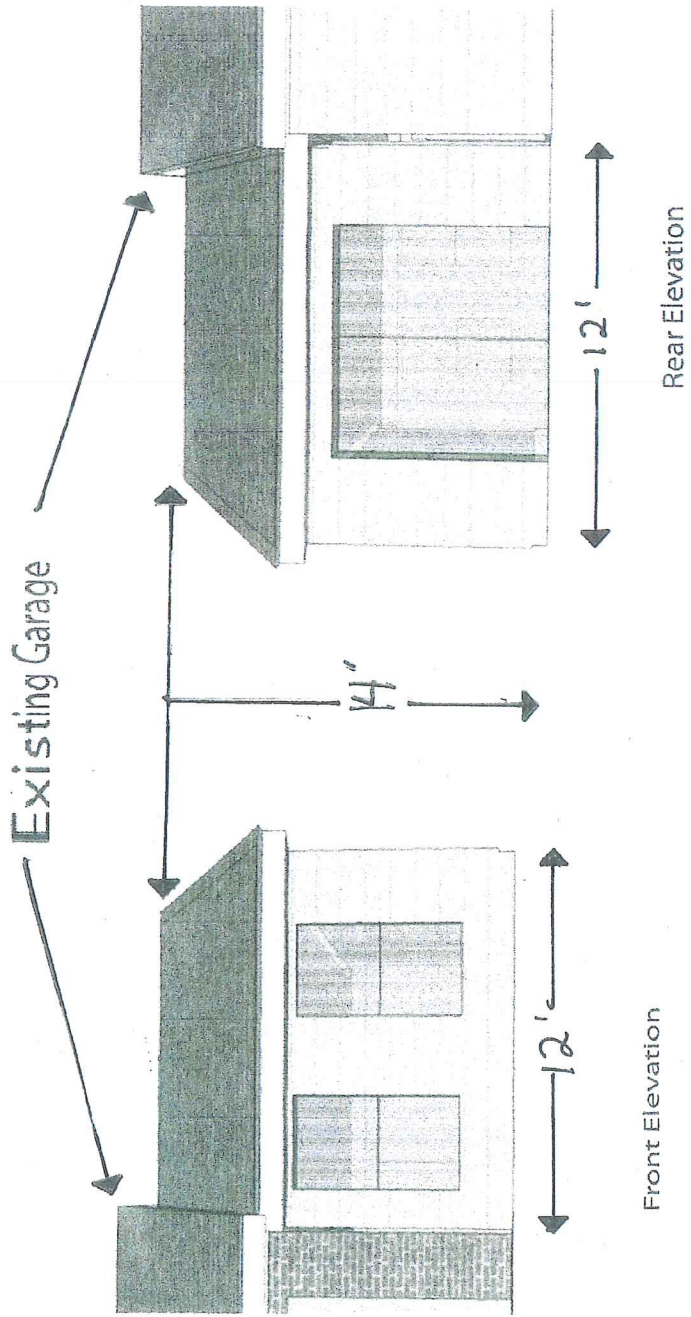
1. TAX MAP: 27-2-04-0032
2. ZONE: R-1C (R-1 w/CLUSTER DEV)
3. LOT AREA: 20,000 SF (0.4591 ACRES)
4. REQUIRED YARDS:
  - FRONT: 30.0 FEET
  - SIDE: 22.0 FEET / 40.0 FOOT TOTAL
  - REAR: 25.0 FEET
5. HEIGHTS:
  - EX DWELLING: 22.7 FEET
  - EX DECK: 10.0 FEET
  - EX SPLIT RAIL & WIRE FENCES: 04.5 FEET
  - PROP. ADDN: 11.8 FEET (MIDLINE)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
  - EX. BASEMENT: 1,410 SF
  - EX. FIRST FLOOR: 2,034 SF
  - EX. SECOND FLOOR: 1,333 SF
  - EX. CROSS FLOOR AREA: 4,777 SF
  - EX. FLOOR AREA RATIO: EX. GFA (4777) / LOT AREA (20000) = 0.24
  - PROP. 1 STORY ADDN. = 288 SF. (288 / EX. GFA 4777 = 0.06)
  - PROP. CROSS FLOOR AREA: 288 SF + (EX. GFA 4777 SF) = 5,065 SF
  - PROP. FLOOR AREA RATIO: PROP. GFA (5065) / LOT AREA (20000) = 0.25

PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 32, SECTION TWO  
**TAMARACK**  
(DEED BOOK 3382, PAGE 937)  
FAIRFAX COUNTY, VIRGINIA  
HUNTER HILL DISTRICT  
SCALE: 1" = 20'    OCTOBER 02, 2013

I HEREBY CERTIFY THAT THE PORTION OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE  THIS PLAT IS SUBJECT TO ALL APPLICABLE RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. AND CORNER MARKERS SET.		CASE NAME GARY E. BOSS AND CAROL A. BOSS  DOMINION Surveyors Inc. 8808-H PEAR TREE VALLEY COURT ALEXANDRIA, VIRGINIA 22309 TEL: 703-799-6412 FAX: 703-799-6412
10/02/2013 GEORGE M. O'CONNOR LICENSE NO. 2009 <i>George M. O'Connor</i>		CASE NAME GARY E. BOSS AND CAROL A. BOSS

CASE NAME: BOSS

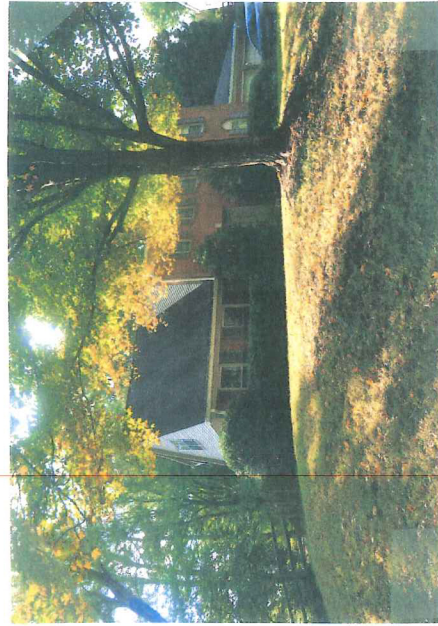
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Department of Planning & Zoning  
OCT 30 2013  
Zoning Evaluation Division



Boss House Proposed Addition  
1844 Horseback Trail  
Vienna, VA 22182



Gary Boss Applicant  
1844 Horseback Trail  
Vienna, VA 22182



3. Left Front



1. Center Front



4. Left Front-Closer View



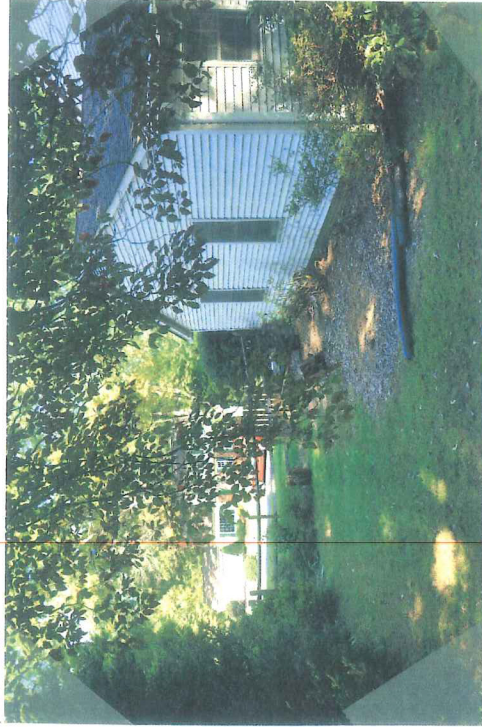
2. Right Front

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Zoning Evaluation Division



Gary Boss Applicant  
1844 Horseback Trail  
Vienna, VA 22182



7. Right Rear, Closer View of Proposed Addition Location



8. Rear of Property Line



5. Rear Center



6. Rear Right

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OCT 30 2013  
Zoning Evaluation Division

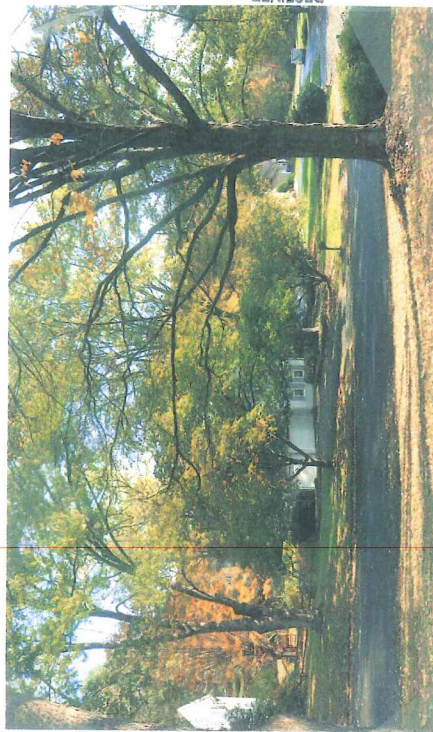
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Gary Boss Applicant  
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Vienna, VA 22182



11. Left View Taken From Front Steps



12. Right View Taken From Front Steps

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9. Right Rear of Property Line



10. Right Rear-Another View of Proposed Addition Location

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OCT 30 2013  
Zoning Evaluation Division

NOTE: ALL PHOTOGRAPHS TAKEN FROM 9/30/2013 TO 10/30/2013





## SPECIAL PERMIT REQUEST

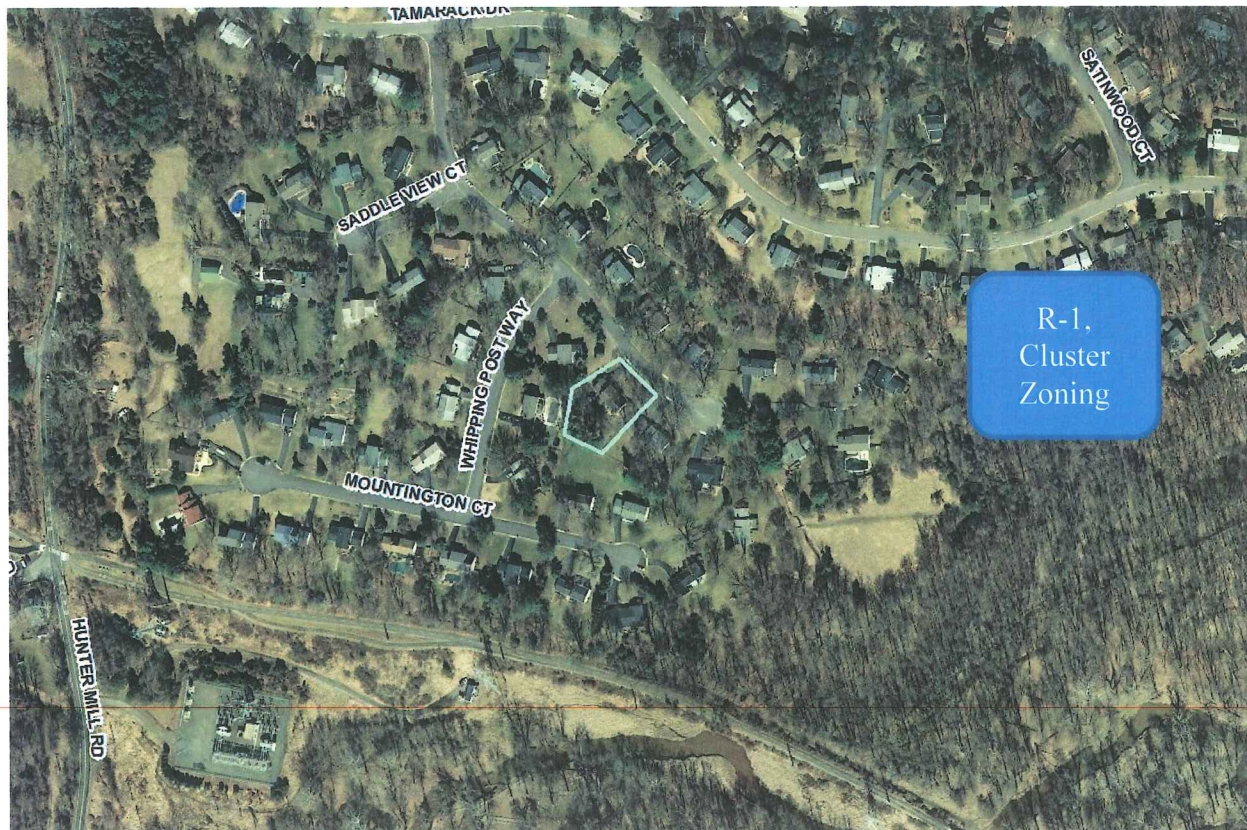
The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition to an existing dwelling, 9.9 feet from the northwestern side lot line such that side yards total 33.5 feet.

A copy of the special permit plat titled "Plat Showing the Improvements on Lot 32, Section Two Tamarack" prepared by Dominion Surveyors, Inc., dated October 2, 2013, is included at the front of the staff report.

A more detailed description of the request is on page two of this report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The existing 20,000 square foot lot, zoned R-1 and developed under the cluster provisions of the Zoning Ordinance, contains a two-story brick and vinyl dwelling. The dwelling includes an attached two car garage. A deck extends off the rear of the dwelling. The front of the dwelling includes a walkway extending to the driveway. Split rail and wire fencing (4.5 foot tall) extends along the southern side property line, the rear and northern side property lines, enclosing the backyard. The subject property takes access to Horseback Trail via an asphalt driveway. Mature trees and shrubs are located throughout the property.





The property is surrounded by single family dwellings, zoned R-1 and developed under the cluster provisions of the Zoning Ordinance.

## **BACKGROUND**

The original dwelling on the lot was constructed in 1972. The applicants purchased the property in 1985. The applicant obtained a building permit for the construction of an open deck in 2009.

Information outlining similar requests in the vicinity of the applicants' property is included in Appendix 4.

## **DESCRIPTION OF THE REQUEST**

The applicant requests the approval of a special permit for a reduction of certain yard requirements to permit construction of a one-story addition to the existing dwelling to be located 9.9 feet from the northwestern side lot line such that side yards total 33.5 feet. The applicant proposes to construct a 288 square foot room addition on the northern side of the existing dwelling, adjacent to the attached garage.

The proposed addition would be built to match the existing dwelling, according to the attached elevations provided by the applicant. The addition would have windows in the front and side identical to the existing windows in the dwelling. The applicant indicates a sliding glass door will be installed at the rear of the addition and be identical to the sliding glass doors in the existing dwelling.

The Zoning Ordinance requires a minimum side yard of 12 feet and side yards that total a minimum of 40 feet. The applicant requests the addition to be located 9.9 feet from the side lot line, which represents a reduction of 2.1 feet, or 17.5%. The request also would result in total side yards of 33.5 feet, which represents a reduction of 6.5 feet, or 16.2%.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

<b>Plan Area:</b>	Upper Potomac Planning District, Area III
<b>Planning Sector:</b>	Reston Community Planning Sector
<b>Plan Map:</b>	Residential 0.5-1.0 du/acre

## ZONING ORDINANCE REQUIREMENTS

The application must meet all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

### Sect. 8-006 General Special Permit Standards

Staff believes that the application meets General Standard 3 of the Standards.

*General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The general character of the neighborhood is residential. Five similar reductions have been granted in the vicinity. The proposed addition would be built to match the existing dwelling and blend in to the neighborhood. Staff believes the request meets this standard.*

### Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application meets all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the stamped drawings provided by the surveyor, the existing dwelling has 4,777 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 7,165.5 square feet in size for a possible total building size of 11,942.5 square feet of living area. The proposed addition is approximately 288 square feet in area, thereby realizing a total house size of 5,065 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevations submitted indicate that the materials, size and scale of the addition are compatible with the existing structure. The addition will match the existing dwelling. The addition is a relatively small increase in size of only 6% of the resulting 5065 square foot home and with a building height of*



*11.8 feet, only half the total height of the principal dwelling. Therefore, it is staff's position that the proposed addition is subordinate in bulk and scale to the principal dwelling and does not create any additional height to the overall existing structure. Staff believes the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The surrounding neighborhood contains residential homes, some with additions and garages built into side yards approved by special permit or variance. The exterior building materials are to be consistent with the on-site dwelling and compatible with those in the neighborhood. The topography of the area is fairly level, with occasional rolling terrain. The addition is proposed to be approximately 12 feet by 24 feet in length, which is slightly less than the depth of the existing garage. The bulk appears to be consistent with adjacent development. Staff believes the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The addition is proposed in a location that is open. There does not appear to be existing vegetation that will be impacted by the construction process. Staff believes this standard is met.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The addition is proposed to be constructed on the side of the existing dwelling, into the side yard of the property. The proposed addition extends off the existing attached garage in an area without vegetation and represents a small addition to the dwelling, expanding the dwelling by only 6%; therefore staff believes that the application meets this provision.*

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATIONS**

Staff recommends approval of SP 2013-HM-108 for the addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any



conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Similar Case History
5. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

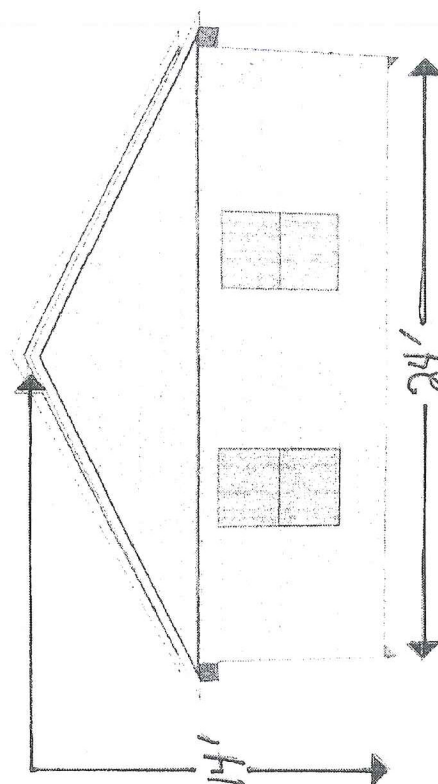
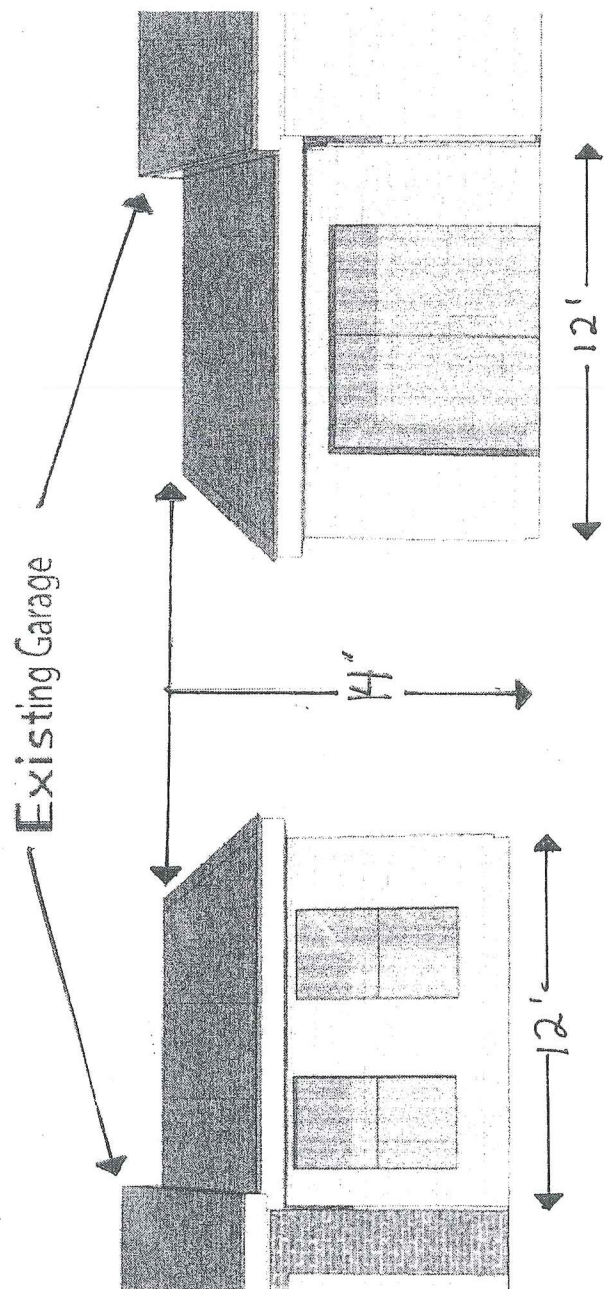
**March 5, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-HM-108 located at 1844 Horseback Trail, Tax Map 27-2 ((04)) 32 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved only for the location of the proposed garage addition (approximately 288 square feet), as shown on the plat prepared by Dominion Surveyors, Inc., dated October 2, 2013, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,777 square feet existing + 7,165.5 square feet (150%) = 11,942.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent on the above-noted conditions, shall not relieve the applicant for compliance with the provisions of any applicable ordinance, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



Boss House Proposed Addition  
1844 Horseback Trail  
Vienna, VA 22182

RECEIVED  
Department of Planning & Zoning  
OCT 30 2013  
Zoning Evaluation Division



Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/23/13  
 (enter date affidavit is notarized)

123152

I, GARY R. BOSS, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)

☒  
☐

applicant

applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
GARY R. BOSS	1844 Horseback Trail, Vienna VA. 22182	APPLICANT/TITLE OWNER
Carol A. BOSS	1844 Horseback Trail, Vienna, VA 22182	APPLICANT/TITLE OWNER

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10/23/13  
(enter date affidavit is notarized)

123152

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries; must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10/23/13  
(enter date affidavit is notarized)

123152

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10/23/13  
(enter date affidavit is notarized)

123152

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 10/23/13  
(enter date affidavit is notarized)

123152

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

NONE

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

**WITNESS the following signature:**

(check one)

☒ Applicant

[ ] Applicant's Authorized Agent

GARY R. BOSS

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of October, 2013, in the State/Comm. of VIRGINIA, County/City of Fairfax County

My commission expires: 5/31/2016



ANGELO VIBAR  
Notary Public  
NOTARY PUBLIC 237427  
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES MAY 31, 2016



OCT 30 2013

**STATEMENT OF JUSTIFICATION**

Applicant: Gary R. Boss

Project: 1844 Horseback Trail, Vienna VA 22182

TAX MAP NUMBER 27-2-04-0032

Zoning Evaluation Division

**Description of Project**

We are requesting this special permit to expand our single family home by adding a room attached to the side of an existing garage.

The proposed addition conforms to all ordinances, regulations, and adopted standards applicable to our zoning district, R-1 Cluster, except for the minimum yard requirements for which we are requesting a change from the allowed setbacks.

To implement the design described below, we are requesting a reduction in yard setback requirements from 12 to 10 feet. The requested reduction narrows to 0 just past the midpoint of the proposed addition, due to the property line tapering away from the proposed addition as shown in the survey plat.

Our property was built in 1972. The setbacks for our property are:

- Front yard 30 feet
- Side yard 12, 40 feet total
- Rear yard 25 feet

Our proposed addition will include the following features and have the following dimensions.

- A 12-24 structure attached to the existing garage.
- Gross square feet of the proposed addition will be 288 square feet, which will be .06 percent of the total GSF of the existing structure (4777). The height of the proposed addition will peak at 14 feet. The addition will use the existing garage exterior wall for one side wall. Siding material will match the existing house siding, as will the windows on the front and side
- The proposed addition will have 2 windows in front and 2 on the side, identical to those on the existing structure. The rear will have a sliding glass door, identical to the existing glass doors. The slope line will be the same angle as the garage, and the shingles will be identical to those on the existing structure.
- Existing landscaping will remain on the property line, which largely shields the addition to neighboring properties. Other landscaping next the addition will match others around the existing property.

- No other changes are proposed.

The proposed structure will be in character and harmony with the surrounding structures and features of the neighborhood.

The proposed structure will not adversely impact neighboring property with regard to noise, light, erosion or storm water runoff. Existing landscaping serves as a shielding buffer to the neighbors.

No hazardous or toxic substances will be stored or used in the proposed addition.



# Similar Case History

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**Group: 98-H-081****VC 98-H-081**

**APPLICANT:** LONGTIN, LAURANCE P.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 09/29/1998  
**ZONING DISTRICT:** R- 1  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 25.5 FT. FROM SIDE LOTLINE SUCH THAT SIDE YARDS TOTAL 37.4 FT.  
**LOCATION:** 10205 TAMARACK DRIVE  
**TAX MAP #S:**  
0272 03 0061

**Group: 2003-HM-192****VC 2003-HM-192**[STAFF REPORT](#)

**APPLICANT:** DAVID M. BROWN & COLLYE L. MOORE  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 03/10/2004  
**ZONING DISTRICT:** R- 1  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 15.6 FEET SUCH THAT SIDE YARDS TOTAL 35.3 FEET  
**LOCATION:** 1833 SATINWOOD COURT  
**TAX MAP #S:**  
0272 03 0038

**Group: 2007-HM-018****SP 2007-HM-018**[STAFF REPORT](#)

**APPLICANT:** TIMOTHY P. MORAHAN AND DIANA K. MORAHAN  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 05/15/2007  
**ZONING DISTRICT:** R- 1  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF AN ADDITION SUCH THAT SIDE YARDS TOTAL 36.5 FEET  
**LOCATION:** 10305 SADDLE VIEW COURT  
**TAX MAP #S:**  
0272 04 0005

**Group: 2009-HM-058****SP 2009-HM-058**[STAFF REPORT](#)[LOCATOR MAP](#)

**APPLICANT:** JAVED IQBAL  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 09/22/2009  
**ZONING DISTRICT:** R- 1  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION SUCH THAT SIDE YARDS TOTAL 29.9 FEET  
**LOCATION:** 1835 SATINWOOD COURT  
**TAX MAP #S:**  
0272 03 0039

**Group: 2011-HM-099****SP 2011-HM-099**[STAFF REPORT](#)[LOCATOR MAP](#)

**APPLICANT:** STEVEN KOSTAKIS  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 01/25/2012  
**ZONING DISTRICT:** R- 1  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 10.8 FEET FROM SIDE LOT LINE  
**LOCATION:** 10403 SILK OAK DRIVE  
**TAX MAP #S:**  
0272 04 0047



## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.



### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic



field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.